

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
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)
Plaintiff,)
)
)
v.) No. 4:09 CR 96 RWS
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)
ANTHONY RIZZUTI,)
)
)
Defendant.)

MEMORANDUM AND ORDER

IT IS HEREBY ORDERED that the second motion of defendant Anthony Rizzuti to modify his conditions of release (Doc. 29) is denied.

Defendant seeks to be relieved of the conditions of release of home detention with electronic monitoring and travel restrictions which were imposed on defendant when he was released from custody. Defendant now argues that those conditions are unconstitutionally imposed on him under the ruling issued by the undersigned in United States v. Smedley, Cause No. 4:09 CR 99, 2009 WL 1086972 (April 22, 2009). However, in the case at bar, these conditions of release are specifically necessary in defendant Rizzuti's case, because the pretrial services officer's report indicates that the government information includes evidence that defendant Rizzuti was arrested in this case while he was traveling to meet a person he thought was a fourteen-year-old girl for sexual activity. The court remains of the opinion that the subject conditions of release are necessary to reasonably assure that he will not endanger the community.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on May 6, 2009.